THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26806 of 2006

29.12.2006

Between:

Kamaluddin, W/o.Jamaluddin
And others

... Petitioners

AND

The Principal Secretary, Government of Andhra Pradesh,
Revenue Department, Hyderabad
And others.

...Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.26806 of 2006

ORDER:

The three petitioners are allegedly in occupation of 144 Sq.yards, 288 Sq.yards and 288 Sq.yards respectively in survey No.260 of Jawaharnagar Village of Shameerpet Mandal in Ranga Reddy District. They allege that they are staying in the houses on the land bearing numbers given by the Gram Panchayat and duly paying the taxes. They allege that second respondent made attempts to take possession illegally without giving notice. Therefore, they filed instant writ petition seeking appropriate relief.

On 26.12.2006, the matter was heard at preliminary stage. To enable the learned Assistant Government Pleader for Revenue (Assignment), the matter was adjourned. Today, after obtaining instructions, the learned Assistant Government Pleader submits that the land is Government land and when the petitioners tried to encroach upon the same, they were prevented. He denied all other allegations. The learned counsel for the petitioners submits that the petitioners are staying in residential houses constructed on the Government land, that they are paying house tax/property tax to the Gram Panchayat and therefore, the allegation that they are trying to encroach upon the Government land is not correct. The miscellaneous receipts issued by the Grampanchayat filed along with the writ petition, *prima facie,* support the contention of the learned counsel for the petitioners. Therefore, without expressing any opinion on the rights of the petitioners to encroach upon the Government land or to seek regularization of such encroachment, the writ petition can be disposed of observing that if for any reason, the petitioners are liable to be evicted from the land in their possession, respondent No.4 shall take necessary action in accordance with the provisions under the Andhra Pradesh Land Encroachment Act, 1905.

The writ petition, with the above observations and direction, is accordingly disposed of. No costs.

December 29, 2006 (**V.V.S.RAO, J)**

NOTE:

Issue order copy by 02.1.2007.

(By order)

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